



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Department of Ecology AO # 07-06

☒ Permanent Rule
☐ Emergency Rule

Effective date of rule:

Permanent Rules

☒ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

☐ Immediately upon filing.
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: The adoption of these rule amendments is needed to protect instream values within the Wenatchee River basin, to avoid injury to existing water rights from future appropriations of water, and implement the recommendations of the Wenatchee Watershed Planning Unit. The amendment modifies minimum instream flows at several existing control points; establishes minimum instream flows at three new control points; establishes a water reservation to provide a reliable water supply for the 20-year projected population growth; and sets maximum allocations for new uses of water not eligible for the reservation and new storage projects.

Citation of existing rules affected by this order:

Repealed:

Amended: Chapter 173-545 WAC

Suspended:

Statutory authority for adoption: Chapters 90.82, 90.54, 90.22, 90.03 and 90.44 RCW

Other authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 07-14-140 on July 3, 2007.

Describe any changes other than editing from proposed to adopted version:

- (1) Section -090(5) was modified to explicitly require measuring and reporting of reservation water uses and that measuring and reporting requirements to support the reservation accounting system may be applied to local permits and approvals. The draft language implied a measuring and reporting requirement based on the requirement for a reservation accounting system to be maintained by the Chelan County Natural Resources Department and Ecology.
- (2) Section -110(1) was clarified to state that if the criteria in (a) or (b) is met, a permit may be issued without applying the instream flow conditions. The draft language implied an "or." The final rule language is explicit.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Lanessa Inman

Address: PO BOX 47600

Olympia, WA 98504-7600

phone (360) 407-6862

fax (360) 407-6574

e-mail linm461@ecy.wa.gov

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted:

12/11/07

NAME (TYPE OR PRINT)

Jay J. Manning

SIGNATURE

Jay J. Manning

TITLE

Director, Department of Ecology

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

DEC 12 2007

TIME

1040

WSR

08-01-045

AM
PM

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	7	Amended	9	Repealed	1

The number of sections adopted at the request of a nongovernmental entity:

New	5	Amended	9	Repealed	0
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The number of sections adopted in the agency's own initiative:

New	3	Amended	1	Repealed	1
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____